

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:                      Pat Apple, Chairman  
   Shari Feist Albrecht  
   Jay Scott Emler

In the matter of the application of Merit Energy Company, LLC, for a Well Location Exception for the Reeve 2 well in the Southwest Quarter of Section 14, Township 25 South, Range 33 West, Finney County, Kansas.	)	Docket No.: 17-CONS-3636-CWLE
	)	CONSERVATION DIVISION
	)	License No.: 32446

**MOTION FOR THE DESIGNATION OF A PREHEARING OFFICER AND THE  
SCHEDULING OF A PREHEARING CONFERENCE**

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively) moves for an Order designating a prehearing officer and scheduling a prehearing conference in this matter, for the reasons described below.

1. K.A.R. 82-3-108(a) and (b) provide setback requirements for oil and gas wells. K.A.R. 82-3-108(c) provides operators the right to request a well location exception. K.A.R. 82-3-108(d) and (e) provide requirements for each application for a well location exception.
2. On April 26, 2017, Merit Energy Company, LLC (Operator) filed an application for a well location exception in this docket. On May 5, 2017, Operator filed appropriate affidavits of publication pursuant to K.A.R. 82-3-135a(d).
3. On May 30, 2017, Staff Litigation Counsel sent a letter to Operator’s counsel, stating that Staff had determined the application failed to provide the distance to the nearest lease or unit boundary line pursuant to K.A.R. 82-3-108(d)(2), failed to provide the notice of intent to drill pursuant to K.A.R. 82-3-108(e), and failed to provide a plat with the required data pursuant to K.A.R. 82-3-108(e).<sup>1</sup> In the letter, Staff requested that Operator file an amended application

---

<sup>1</sup> See Exhibit A. The letter is incorrectly dated April 25, 2017.

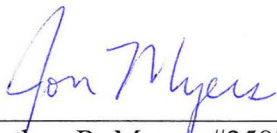
by June 20, 2017, to avoid Staff requesting the matter be assigned a prehearing officer and set for a prehearing conference.

4. On June 7, 2017, Operator filed an amended application including the distance to the nearest lease or unit boundary line. However, the application still lacks the required notice of intent to drill, and the plat is not drawn to the required scale. To date, Operator's application does not meet the requirements of K.A.R. 82-3-108.

5. Staff does not recommend approval of Operator's application at this time.

WHEREFORE, for the reasons described above, Staff respectfully requests an Order designating a prehearing officer and scheduling a prehearing conference, in anticipation of an evidentiary hearing where Staff may recommend denial of the application.

Respectfully submitted,



---

Jonathan R. Myers, #25975  
Litigation Counsel  
Kansas Corporation Commission  
266 N. Main, Suite 220  
Wichita, Kansas 67202  
Phone: 316-337-6200; Fax: 316-337-6211

**CERTIFICATE OF SERVICE**

I certify that on June 28, 2017, I caused a complete and accurate copy of this Motion to be served electronically and via United States mail, with the postage prepaid and properly addressed to the following:

Stanford J. Smith, Jr.  
Martin, Pringle, et al.  
100 North Broadway, Suite 500  
Wichita, KS 67202  
[sjsmith@martinpringle.com](mailto:sjsmith@martinpringle.com)  
*Attorneys for the Merit Energy Company, LLC*

/s/ Cynthia K. Maine  
Cynthia K. Maine  
Administrative Assistant  
Kansas Corporation Commission

April 25, 2017

Stanford J. Smith  
Martin, Pringle, et al.  
100 N. Broadway, Suite 500  
Wichita, Kansas 67202

**Re: Docket Number 17-CONS-3636-CWLE  
Merit Energy Company, License #32446  
Reeve #2**

Mr. Smith:

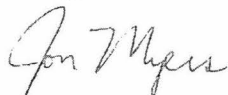
Commission Staff received the application in the referenced docket on April 26, 2017. Upon review, Staff has determined that the application fails to provide the following:

- Pursuant to K.A.R. 82-3-108(d)(2), the distance to the nearest lease or unit boundary line;
- Pursuant to K.A.R. 82-3-108(e), the notice of intention to drill; and
- Pursuant to K.A.R. 82-3-108(e), a plat with the required data.

Please file an amended application by June 20, 2017. Failure to do so will result in Staff requesting that this matter be assigned a prehearing officer and set for a prehearing conference, in anticipation of an evidentiary hearing where Staff would recommend denial of the application.

You may contact me if you have any questions.

Sincerely,



Jon Myers  
Litigation Counsel  
Kansas Corporation Commission

Cc: Scott Alberg, Steve Pfeifer & Michele Pennington, KCC District #1